IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

TUESDAY, THE 17TH JULY 2007 / 26TH ASHADHA 1929

WP(C).No. 8684 of 2007(H)

AGAINST THE ORDER DATED / / IN IA.84/2007 IN OS.41/2002 of MUNSIFF COURT, KOLENCHERRRY
.....

PETITIONER:

THOMAS, S/O.VARKEY,
MANIYAMPURATH HOUSE, PANKODE KARA,
AIKKARANAD NORTH VILLAGE.

BY ADV. SRI.SAJEEV KUMAR K.GOPAL
SRI.BINOY VASUDEVAN

RESPONDENTS:
----

1. **SAJU.P.VARGHESE, S/O.VARGHESE,**
   PADINJAKKARAYIL HOUSE, PANKODE KARA,
   AIKKARANAD NORTH VILLAGE.

2. **C.K.PAUL, S/O.KURIAKKO,**
   CHOLLATT HOUSE, DO. DO.

3. **SABU ALIAS, S/O.ALIAS, POOKKOLAYIL,**
   DO. DO.

4. **MATHAI, S/O.VARKEY,**
   MELEKULANGARA HOUSE, DO. DO.

5. **ST.PETERS & ST.PAULS,**
   PANGOTTKARA, PAREPPEEDIKA, REPRESENTED
   BY ITS TRUSTEE.

6. **P.K.VARGHESE, S/O.KURIAKKO,**
   POOKKOLAYIL HOUSE, PANKODE KARA,
   PAREPPEEDIKA.

**7. REV.FATHER VARGHESE,
S/O.PAULOSE, KALAPPURAKKAL HOUSE,
KOLENCHERY VIA, KADAYIRUPPU KARA.**

**8. VARKEY, S/O.MATHAI, MELEKKULANGARA
HOUSE, VADAVUCODE VIA, PANKODE KARA.**

**9. GEORGE M.MATHAI, S/O.MATHAI,
MELEKULANGARA HOUSE, VADAVUCODE VIA,
PANKODE KARA.**

**10. ST.PETERS & ST.PAULS CYRIAN
SIMHASANA TRUST, PAREPPEEDIKA, PANKODE
REPRESENTED BY ITS PRESIDENT.**

BY ADV. SRI.S.SREEKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 17/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C) NO.8684/2007

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE IA. NO.84/07 IN OS. NO.41/02 BEFORE THE MUNSIFF'S COURT, KOLENCHERY.

EXT.P2:- COPY OF THE IA. NO.86/07 IN OS. NO.41/02 BEFORE THE MUNSIFF'S COURT , KOLENCHERY.

EXT.P3:- COPY OF THE ORDER IN IA. NO.84/07 IN OS./ 41/02 DT. 9.3.07 OF THE MUNSIFF'S COURT, KOLENCHERY.

/TRUE COPY/

P.S. TO JUDGE

tss

M.N.KRISHNAN, J

==========

W.P.(C) No.8684 OF 2007

==========

Dated this the 17th day of July, 2007

JUDGMENT

This writ petition is filed to set aside the order passed by the Munsiff's Court, Kolencherry in I.A.No.84 of 2007 in O.S.No.41 of 2002. The petitioner wanted himself to be impleaded as the 7th defendant in the suit. But the court found that the Vicar and Managing Committee members are there as defendants and they can protect the interest of the church and therefore dismissed the application. Learned counsel for the petitioner submitted that though the suit was filed under Order 1 Rule 8, paper publication was effected only on 13.2.2007 and the case was posted to 15.2.2007 and on 6.3.2007 the present petitioner filed I.A.No.84 of 2007 for getting himself impleaded as a party. When a publication is made under Order I Rule 8 C.P.C., it is a right for the person, who is interested to come and get himself impleaded as a party. The order passed by the learned Munsiff suffers from serious infirmity and therefore it is set aside and I.A.No.84 of 2007 is allowed. The 7th defendant is permitted to file a written statement after carrying out the amendment as stipulated by the Rules. Since

it is submitted that no amendment is necessary to the body of the plaint, I direct the office of the trial court to carry out the amendment in the cause title showing the name of the present petitioner as 7th defendant. There shall not be unnecessary protraction of the trial on account of the impleadment of the 7th defendant.

Writ petition is disposed of as above.

M.N.KRISHNAN, JUDGE

Cdp/-